

Hoefel	Meek (FL)	Sanford
Hoekstra	Meeks (NY)	Sawyer
Holden	Menendez	Saxton
Holt	Metcalf	Schaffer
Hooley	Millender-	Schakowsky
Horn	McDonald	Sensenbrenner
Hostettler	Miller (FL)	Serrano
Houghton	Miller, Gary	Sessions
Hoyer	Minge	Shadegg
Hulshof	Mink	Sherman
Hunter	Moakley	Sherwood
Hutchinson	Moran (KS)	Shimkus
Hyde	Moran (VA)	Shows
Inlee	Morella	Shuster
Isakson	Murtha	Simpson
Istook	Myrick	Sisisky
Jackson (IL)	Nadler	Skeen
Jefferson	Napolitano	Skelton
Jenkins	Nethercutt	Slaughter
John	Ney	Smith (MI)
Johnson (CT)	Northup	Smith (NJ)
Johnson, E.B.	Norwood	Smith (TX)
Johnson, Sam	Nussle	Smith (WA)
Jones (NC)	Oberstar	Snyder
Jones (OH)	Obey	Souder
Kanjorski	Olver	Spence
Kaptur	Ortiz	Spratt
Kelly	Owens	Stabenow
Kildee	Oxley	Stark
Kilpatrick	Packard	Stearns
Kind (WI)	Pallone	Stenholm
King (NY)	Pascrell	Strickland
Kingston	Pastor	Stump
Kleczka	Paul	Sununu
Knollenberg	Payne	Sweeney
Kolbe	Pease	Tancred
Kucinich	Pelosi	Tanner
Kuykendall	Peterson (MN)	Tauscher
LaHood	Peterson (PA)	Tauzin
Lampson	Petri	Taylor (MS)
Largent	Pickering	Taylor (NC)
Larson	Pickett	Terry
Latham	Pitts	Thomas
LaTourette	Pombo	Thompson (CA)
Leach	Pomeroy	Thornberry
Lee	Porter	Thune
Levin	Portman	Thurman
Lewis (CA)	Price (NC)	Tiahrt
Lewis (GA)	Pryce (OH)	Tierney
Lewis (KY)	Quinn	Toomey
Linder	Radanovich	Towns
Lipinski	Rahall	Trafficant
LoBiondo	Ramstad	Udall (CO)
Lofgren	Rangel	Udall (NM)
Lowe	Regula	Upton
Lucas (KY)	Reyes	Velazquez
Lucas (OK)	Reynolds	Vitter
Luther	Riley	Walden
Maloney (CT)	Rivers	Walsh
Maloney (NY)	Rodriguez	Wamp
Manzullo	Roemer	Watkins
Markay	Rogan	Watt (NC)
Martinez	Rogers	Weiner
Mascara	Rohrabacher	Weldon (FL)
Matsui	Ros-Lehtinen	Weldon (PA)
McCarthy (MO)	Rothman	Weller
McCarthy (NY)	Roukema	Weygand
McDermott	Roybal-Allard	Whitfield
McGovern	Royce	Wicker
McHugh	Rush	Wilson
McInnis	Ryan (WI)	Wolf
McIntyre	Ryun (KS)	Woolsey
McKeon	Sabo	Wu
McKinney	Sanchez	Wynn
McNulty	Sanders	Young (AK)
Meehan	Sandlin	Young (FL)

NAYS—13

Baird	Ford	Stupak
Barton	Hilliard	Thompson (MS)
Capuano	LaFalce	Visclosky
Costello	Miller, George	
DeFazio	Phelps	

NOT VOTING—49

Archer	Dooley	Lantos
Bilbray	Dunn	Lazio
Boucher	Evans	McCollum
Brown (FL)	Fowler	McCrery
Brown (OH)	Franks (NJ)	McIntosh
Campbell	Greenwood	Mica
Canady	Hansen	Mollohan
Collins	Hastings (FL)	Moore
Conyers	Hill (MT)	Neal
Danner	Jackson-Lee	Ose
Delahunt	(TX)	Salmon
Dickey	Kasich	Scarborough
Dicks	Kennedy	Scott
Dingell	Klink	Shaw

Shays	Waters	Wexler
Talent	Watts (OK)	Wise
Turner	Waxman	

□ 1159

So the joint resolution was passed.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

□

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

H.J. Res. 84. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

□

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, I was unavoidably detained on rollcall vote 580 and rollcall vote 581.

Mr. Speaker, had I been present, I would have voted no on rollcall vote 580 and no on rollcall vote 581.

□

□ 1200

“THE LONG PARLIAMENT”

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, sometimes we can get wisdom from the ages. I am not a fan of Oliver Cromwell. His semi-genocidal attacks on the Irish was certainly one of the low points in history. But even he occasionally got something right.

During the 1650s, there was a Parliament in England which could not seem to find a way to leave London. Oliver Cromwell decided they needed some encouragement. Some of what he said in his gentle way, waiving a sword seems to me to be not entirely inappropriate. So I would, therefore, like to read some excerpts from Oliver Cromwell's speech to what was called “The Long Parliament.”

It is high time for me to put an end to your sitting in this place . . .

“Ye are grown intolerably odious to the whole nation. You were deputed here to get grievances redressed; are not yourselves become the greatest the grievance? Your country therefore calls upon me to cleanse the Augean stable by putting a final period to your

. . . proceedings in this house and which by God's help and the strength he has given me I am now come to do. I commend ye therefore upon the peril of your lives to depart immediately out of this place. . . Go and get out, make haste ye venal slaves be gone. So take away that shining bauble there and lock up the doors.

□

HOUR OF MEETING ON THURSDAY, NOVEMBER 2, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 6 p.m. tomorrow.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 130, not voting 63, as follows:

[Roll No. 588]

YEAS—239

Abercrombie	Crane	Hoefel
Aderholt	Cubin	Hoekstra
Armey	Davis (IL)	Holt
Bachus	Davis (VA)	Horn
Baker	Deal	Hostettler
Ballenger	DeLay	Houghton
Barr	DeMint	Hunter
Barrett (NE)	Diaz-Balart	Hutchinson
Bartlett	Dixon	Hyde
Barton	Doolittle	Isakson
Bass	Dreier	Istook
Bereuter	Duncan	Jackson (IL)
Berman	Ehlers	John
Biggart	Ehrlich	Johnson (CT)
Bilirakis	Engel	Johnson, Sam
Bishop	English	Jones (NC)
Blagojevich	Eshoo	Kanjorski
Bliley	Etheridge	Kelly
Blunt	Everett	King (NY)
Boehert	Ewing	Kingston
Boehner	Fletcher	Kleczka
Bonilla	Foley	Knollenberg
Bono	Fossella	Kolbe
Borski	Frank (MA)	Kuykendall
Boswell	Frelinghuysen	LaHood
Boyd	Gallegly	Largent
Brady (PA)	Ganske	Latham
Brady (TX)	Gekas	LaTourette
Bryant	Gibbons	Leach
Burr	Gilchrest	Levin
Buyer	Gillmor	Lewis (CA)
Callahan	Gilman	Lewis (KY)
Calvert	Goode	Linder
Camp	Goodlatte	Lipinski
Cannon	Goodling	LoBiondo
Capps	Gordon	Lucas (KY)
Cardin	Goss	Lucas (OK)
Castle	Graham	Manzullo
Chabot	Granger	Martinez
Chambliss	Green (WI)	McHugh
Chenoweth-Hage	Gutknecht	McInnis
Clement	Hall (TX)	McKinney
Coble	Hastings (WA)	Meehan
Coburn	Hayes	Meeks (NY)
Combest	Hayworth	Miller (FL)
Condit	Hefley	Miller, Gary
Cook	Herger	Moore
Cooksey	Hilleary	Moran (KS)
Cramer	Hobson	Morella

Murtha	Royce	Sununu	Turner	Watts (OK)	Wexler
Myrick	Rush	Sweeney	Waters	Waxman	Wise
Nethercutt	Ryan (WI)	Tancred			
Ney	Ryun (KS)	Tauzin			
Northup	Sanford	Taylor (NC)			
Norwood	Sawyer	Terry			
Oxley	Saxton	Thomas			
Packard	Schaffer	Thompson (CA)			
Paul	Sensenbrenner	Thornberry			
Pease	Serrano	Thune			
Petri	Sessions	Tiahrt			
Pickering	Shadeeg	Toomey			
Pitts	Sherwood	Traficant			
Pombo	Shimkus	Udall (NM)			
Pomeroy	Shows	Upton			
Porter	Shuster	Vitter			
Portman	Simpson	Walden			
Pryce (OH)	Sisisky	Walsh			
Quinn	Skeen	Wamp			
Radanovich	Skelton	Watkins			
Ramstad	Smith (MI)	Weldon (FL)			
Rangel	Smith (NJ)	Weldon (PA)			
Regula	Smith (TX)	Weller			
Reynolds	Snyder	Whitfield			
Riley	Souder	Wicker			
Roemer	Spence	Wilson			
Rogan	Stabenow	Wolf			
Rogers	Stark	Wu			
Rohrabacher	Stearns	Young (AK)			
Ros-Lehtinen	Stump	Young (FL)			
Roukema	Stupak				

NAYS—130

Ackerman	Hilliard	Olver
Allen	Hinchey	Ortiz
Andrews	Holden	Owens
Baca	Hooley	Pallone
Baldacci	Hoyer	Pascrell
Baldwin	Inslee	Pastor
Barcia	Jefferson	Payne
Barrett (WI)	Johnson, E. B.	Pelosi
Becerra	Kaptur	Peterson (MN)
Bentsen	Kildee	Phelps
Berkley	Kilpatrick	Pickett
Berry	Kind (WI)	Price (NC)
Blumenauer	Kucinich	Rahall
Bonior	LaFalce	Reyes
Capuano	Lampson	Rivers
Carson	Larson	Rodriguez
Clay	Lee	Rothman
Clayton	Lewis (GA)	Roybal-Allard
Clyburn	Lofgren	Sabo
Costello	Lowey	Sanchez
Coyne	Luther	Sanders
Crowley	Maloney (CT)	Sandlin
Cummings	Maloney (NY)	Schakowsky
Cunningham	Mascara	Sherman
DeFazio	Matsui	Slaughter
DeGette	McCarthy (MO)	Spratt
DeLauro	McCarthy (NY)	Stenholm
Deutsch	McDermott	Strickland
Doggett	McGovern	Tanner
Doyle	McIntyre	Tauscher
Edwards	McNulty	Taylor (MS)
Evans	Menendez	Thompson (MS)
Farr	Metcalf	Thurman
Fattah	Millender	Tierney
Filner	McDonald	Towns
Ford	Miller, George	Udall (CO)
Frost	Minge	Velazquez
Gejdenson	Mink	Visclosky
Gephardt	Moakley	Watt (NC)
Gonzalez	Moran (VA)	Weiner
Green (TX)	Nadler	Weygand
Gutierrez	Napolitano	Woolsey
Hall (OH)	Oberstar	Wynn
Hill (IN)	Obey	

NOT VOTING—63

Archer	Emerson	McCollum
Baird	Forbes	McCrery
Billbray	Fowler	McIntosh
Boucher	Franks (NJ)	McKeon
Brown (FL)	Greenwood	Meek (FL)
Brown (OH)	Hansen	Mica
Burton	Hastings (FL)	Mollohan
Campbell	Hill (MT)	Neal
Canady	Hinojosa	Nussle
Collins	Hulshof	Ose
Conyers	Jackson-Lee	Peterson (PA)
Cox	(TX)	Salmon
Danner	Jenkins	Scarborough
Davis (FL)	Jones (OH)	Scott
Delahunt	Kasich	Shaw
Dickey	Kennedy	Shays
Dicks	Klink	Smith (WA)
Dingell	Lantos	Talent
Dooley	Lazio	
Dunn	Markey	

□ 1220

Messrs. MORAN of Virginia, OLVER, DEUTSCH, OWENS, and FARR of California changed their vote from "yea" to "nay."

Mr. WU changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

COMMITTEE ON RESOURCES
CONTEMPT RESOLUTION

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise again in strong opposition to this Contempt of Congress resolution.

When there are so many important issues such as energy and health care and education policy which have languished in this Congress, it is ridiculous that this vendetta is taking the time of the House.

The crime charged in this resolution is the refusal of three witnesses to answer certain questions from Republican members of the Committee on Resources.

Let's be clear: these three individuals have worked to assure that the taxpayers receive a fair share of the royalties from oil companies drilling on public lands.

Those same oil companies, who have never received a Republican subpoena, have short-changed the taxpayers by billions of dollars in royalty under payments, as most recently evidenced by a total of \$438 million in settlement payments in litigation which inspired the committee's investigation.

We should be spending our time and resources in Congress on issues that really matter to the American people.

We should not use the vast powers of Congress to punish those who helped to blow the whistle on the oil company rip-offs and who, understandably, refused to cooperate with a rogue committee operating without regard to the House rules.

And we should not be burdening the U.S. Attorney, who has plenty of work to do combating serious crimes, with an ill-conceived contempt resolution based on an investigation so procedurally flawed that the criminal charges would not survive judicial review.

Let's start by making it clear what this contempt resolution is not about.

The question before the House is not whether the arrangement between the project on Government Oversight and two Federal employees to share royalty underpayment litigation awards was illegal or even improper.

Federal employees have been allowed, under certain circumstances, to participate as whistle blowers in False Claims Act litigation. In this case, the POGO arrangement is under active investigation by the Department of Justice.

But no one has been indicted, no one has been tried, and certainly no one has been convicted. For Congress to prejudice that process with premature conclusions of illegality would be irresponsible.

So, let us be clear what this resolution is about.

The real question before the House is whether three individuals who were subpoenaed as witnesses by the Committee on Resources should serve up to a year in prison for violating a Federal criminal statute.

As is the case with all criminal statutes, the three individuals cannot be convicted of Contempt of Congress unless guilt is proven beyond a reasonable doubt in a court of law.

Before we consider a resolution that could subject three citizens to criminal jeopardy, let's look carefully at the case the committee has brought before the House.

The courts have held the congressional process in strict scrutiny, and in 1983 acquitted the last person charged by the House with contempt.

In this investigation, the Committee Republicans have repeatedly failed to follow the House Rules. For over a year, they ignored House Rule XI governing investigations despite Democratic objections. They further violated House Rules by curbing the rights of Democratic members to question witnesses at hearings.

They abused those witnesses by, among other things, not allowing them to make opening statements at hearings, despite Democratic objections.

One Republican member called the Department of the Interior employee a "common thief" prior to his appearance before the committee.

In short, as we detail in the Dissenting Views, this partisan investigation has been biased, unfair, and was a rogue operation that violated the Rules of the House and of the committee.

Moreover, the committee Republicans failed to demonstrate—either to the witnesses or the Democratic members—a clear nexus between the questions and the purpose of the investigation. Specifically, they failed to establish a foundation for the questions that make them "pertinent" for purposes of applying the contempt statute to refusals to answer.

And the courts have insisted that questions must be "pertinent" at the time they are asked of a witness at a hearing. After the fact rationale is not sufficient.

My point in mentioning the procedural flaws in the committee's investigation is to show that there are many reasons for members to be very cautious before concluding that these three citizens are guilty of Contempt of Congress.

And unless members are convinced that the committee's process can withstand judicial scrutiny and the statutory elements of contempt have been proven beyond a reasonable doubt, then they should not vote for this resolution.

CONGRESS OF THE UNITED STATES,

Washington, DC, October 31, 2000.

STOP THE POGO PERSECUTION

DEAR COLLEAGUE: Today the House will unwisely reconsider the resolution (brought up on the floor last Friday and withdrawn by its sponsor) that charged three individuals with the crime of Contempt of Congress for failing to cooperate with a Committee on Resources investigation. This rare exercise of congressional power could subject these individuals to criminal prosecution and up to one year in jail.

This charge was prompted by the Project on Government Oversight's (POGO) decision